

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

NEW WALLINGTON HOME, LLC, a New Jersey limited liability company; and
MORNINGSIDE AT WALLINGTON, LLC,
a New Jersey limited liability company,

Plaintiffs,

vs.

BOROUGH OF WALLINGTON;
BOROUGH OF WALLINGTON
PLANNING BOARD; MARK W. TOMKO,
in his official capacity as former Mayor of the
Borough of Wallington; DOROTHY B.
SIEK, in her official capacity as former Tax
Collector for the Borough of Wallington; and
CHRISTOPHER ASSENHEIMER, in his
official capacity as Certified Tax Collector of
the Borough of Wallington,

Defendants.

Civil Action No. 2:20-cv-08178

Hon. Evelyn Padin, U.S.D.J.
Hon. Andre M. Espinosa, U.S.M.J.

**NOTICE OF MOTION TO ENFORCE
COMPLIANCE WITH SUBPOENA
DUCES TECUM**

Motion Date: March 17, 2025

PLEASE TAKE NOTICE, that on March 17, 2024, at 9 o'clock a.m., or as soon thereafter as counsel may be heard, counsel for Plaintiffs, New Wallington Home, LLC and Morningside at Wallington, LLC, shall move pursuant to Federal Rule of Civil Procedure Rule 45, and shall apply to the United States District Court, District of New Jersey, at the Martin Luther King Building & U.S. Courthouse, 50 Walnut Street. Room 2D, Newark, NJ 07101, for an Order to enforce a subpoena duces tecum to nonparty Witold Baginski.

PLEASE TAKE FURTHER NOTICE that in support of this motion the Plaintiffs shall rely upon the attached certification of counsel and exhibits appended thereto.

PLEASE TAKE FURTHER NOTICE that a proposed form of Order is submitted with the Motion.

Dated: February 14, 2025

Respectfully submitted,

/s/ James DiGiulio
James DiGiulio

O'TOOLE SCRIVO, LLC

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